

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States of America,

Plaintiff,

vs.

Fernando Gutierrez,

Defendant.

§
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§
§
§
§

Civil Action

L-19-92

(CDCS: 2019A05709)

Complaint

1. *Jurisdiction.* The district court has jurisdiction because the United States is a party. *See* U.S. CONST., art III, § 2, and 28 U.S.C. § 1345.
2. *Venue.* The defendant resides in Webb County, Texas, and may be served with process at 506 Coke Street, Laredo, Texas 78040.
3. *The Debt.* The debt owed to the United States arose through hospital expenses at Brook Army Medical Center, Ft. Sam Houston, Texas, see Exhibit A. The debt on the date of the Certificate of Indebtedness, Exhibit B, was:

A.	Current principal	\$	40,893.82
B.	Interest (capitalized and accrued)	\$	987.05
C.	Administrative fees, costs, penalties (Including \$400.00 Filing fee)	\$	23,591.31
D.	Balance due	\$	<u>65,472.18</u>
E.	Prejudgment interest accrues at 1% per annum being \$1.12 per day.		

- F. The current principal in paragraph 3 A is after credits of \$2,522.70.
4. *Default.* The United States has demanded that the defendant pay the indebtedness, and the defendant has failed to pay it.
5. *Prayer.* The United States prays for judgment for:
- A. The sums in paragraph 3, pre-judgment interest, administrative costs, and post-judgment interest.
- B. Other relief the court deems proper.

Respectfully submitted,

CERSONSKY, ROSEN & GARCÍA, P.C.

By: 

M. H. Cersonsky, TBN: ~~0404~~8500
1770 St. James Place, Suite 150
Houston, Texas 77056
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Attorneys for Plaintiff

BROOKE AMC FT SAM HOUSTON TX

03 Nov 2015 0717

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Personal Data - Privacy Act of 1974 (PL 93-579)

BAMC MCHE COU-T DEPT 201
 3551 ROGER BROOKE DRIVE
 FT SAM HOUSTON TX 78234-6200

DEPARTMENT OF THE ARMY
 HOSPITAL INVOICE AND RECEIPT

SPONSOR NAME: GUTIERREZ, FERNANDO
 DUTY ADDRESS:

SERVICE: BRANCH OF SV
 GRADE:

BILLING NAME: GUTIERREZ, FERNANDO
 BILL ADDRESS: 506 COKE ST
 LAREDO TX 78040

FMP/SSN: 20/456-59-6327

PATIENT NAME: GUTIERREZ, FERNANDO

ACCOUNT NO: 5275044

ADM: 06 May 2015@1906 DISCH: 08 May 2015@2143 TOTAL CHARGES: \$40863.85

----- CHARGES -----

INPATIENT CHARGES:

BEG DATE	END DATE	CHG DAYS	NCHG DAYS	RATE	CHARGE
06 May 2015	08 May 2015	2	0	20431.93	40863.85

----- INVOICES & RECEIPTS -----

DATE	PAYMENT	TYPE PAY	CHECK NO.	CTRL NO.	BALANCE
23 May 2015	0.00			15-53452	40863.85

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BROOKE AMC FT SAM HOUSTON TX

03 Nov 2015 0717

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BROOKE AMC FT SAM HOUSTON TX

21 Jan 2016 0655

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Personal Data - Privacy Act of 1974 (PL 93-579)

BAMC MCHE COU-M DEPT 211
3551 ROGER BROOKE DRIVE
FT SAM HOUSTON TX 78234-6200DEPARTMENT OF THE ARMY
HOSPITAL INVOICE AND RECEIPTSPONSOR NAME: GUTIERREZ, FERNANDO
DUTY ADDRESS:SERVICE: BRANCH OF SV
GRADE:BILLING NAME: GUTIERREZ, FERNANDO
BILL ADDRESS: 506 COKE ST
LAREDO TX 78040

FMP/SSN: 20/456-59-6327

PATIENT NAME: GUTIERREZ, FERNANDO
SERVICE DATE: 15 Jun 2015@1056ACCOUNT NO: A331363
TOTAL CHARGES: \$29.97

----- CHARGES -----

Svc	Code	Description	Qty	Svc Date	Sales	Charges
RAD	73630-32	RAD EXM, FOOT; COMP, MIN 3		1 15 Jun 2015	FOR	21.62
RAD	73630-26	RAD EXM, FOOT; COMP, MIN 3		1 15 Jun 2015	FOR	8.35

----- INVOICES & RECEIPTS -----

DATE	PAYMENT	TYPE PAY	CHECK NO.	CTRL NO.	BALANCE
02 Jul 2015	0.00			15-61871	29.97

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BROOKE AMC FT SAM HOUSTON TX

21 Jan 2016 0655

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Personal Data - Privacy Act of 1974 (PL 93-579)

PATIENT NAME: GUTIERREZ, FERNANDO
SERVICE DATE: 15 Jun 2015@1056

ACCOUNT NO: A331363
TOTAL CHARGES: \$29.97



DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
DEPARTMENT OF DEFENSE, U.S. Army Medical Command
Brooke Army Medical Center (BAMC)
CERTIFICATE OF INDEBTEDNESS

Fernando Gutierrez
506 Coke Street
Laredo, Texas 78040
Social Security No.:
Case # - 1600184365

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the United States Department of Defense (DoD) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of the file of Fernando Gutierrez (DEBTOR).

From May 6, 2015 through June 15, 2015, the DEBTOR received medical treatment at Brooke Army Medical Command (BAMC). It was discovered the DEBTOR was uninsured and was billed for these services. The charges for the medical services were usual and customary. The services were provided in the usual course of the DoD's business. DEBTOR accepted the services provided and is obligated to pay for the services provided in the amount of \$40,908.82.

The DoD referred the claim to the Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debt on 5/26/2016. DMS issued a demand letter to the DEBTOR on 7/11/2015; 8/13/2015; 10/27/2015; and 5/30/2016, to which the DEBTOR did not respond. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from the DoD.

On October 24, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$65,072.18 with daily interest of \$1.12. As of October 24, 2018, the DEBTOR is indebted to the United States in the amount stated as follows:

Principal:	\$40,893.82
Interest (@1.00%):	\$ 987.05
Penalty Charges(@6.00%):	\$ 5,922.32
Administrative Costs:	\$17,268.99
Total:	\$65,072.18





DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
DEPARTMENT OF DEFENSE, U.S. Army Medical Command
Brooke Army Medical Center (BAMC)
CERTIFICATE OF INDEBTEDNESS

The balances stated in the case listed above are current as of October 15, 2018, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the DoD and information contained in Treasury's records.

A handwritten signature in black ink, appearing to read "Regina Crisafulli", is written over the typed name.

Regina Crisafulli
Financial Program Specialist
U.S. Department of Treasury
Bureau of the Fiscal Service